

AMENDED IN ASSEMBLY JUNE 9, 2003

AMENDED IN SENATE MARCH 25, 2003

SENATE BILL

No. 306

Introduced by Senator Ducheny

February 19, 2003

~~An act to amend Sections 18214, 50781, and 50786 of the~~ *An act to amend Sections 17021.7, 17951, 18013.4, 18045.5, 18214, 18300, 18862.39, 18862.47, 18865, 19971, 50781, and 50786 of the Health and Safety Code, relating to mobilehome parks, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 306, as amended, Ducheny. Mobilehome parks: Mobilehome Park Purchase Fund.

(1) *The State Housing Law authorizes cities and counties to prescribe fees for specified activities. Those provisions declare that they do not prohibit the use of, among other things, a manufactured home, and other specified materials, appliances, installations, devices, arrangements, and methods of construction.*

This bill would specify that those provisions do not prohibit the use of a multiunit manufactured home. The bill would also authorize the city or county to approve certain alternate materials, appliances, installations, devices, arrangements, and methods of construction on a case-by-case basis.

(2) The Mobilehome Parks Act generally regulates various classifications of mobilehome and related vehicle parks and imposes related duties on the Department of Housing and Community Development and local enforcement agencies. The act also excludes

from the definition of a “mobilehome park” an area or tract of land zoned for agricultural purposes, as specified, that accommodates manufactured homes, mobilehomes, or recreational vehicles for housing 12 or fewer agricultural employees.

This bill would instead provide that an area or tract of land zoned for agricultural purposes, as specified, to accommodate 12 or fewer manufactured homes, mobilehomes, or recreational vehicles for housing agricultural employees is not deemed to be a mobilehome park.

~~(2) Existing~~

The bill would also revise the definitions of “recreational vehicle park” and “temporary recreational vehicle park” to, among other things, expand an exemption for the housing of agricultural employees.

The act authorizes the department to enforce plan review activities through department-approved plan checking agencies.

This bill would delete that authority.

(3) The Mobilehomes-Manufactured Housing Act of 1980 requires a dealer to keep its established place of business open for inspection of records.

This bill would require any other location where records are kept to be open for inspection during normal business hours.

(4) Existing law authorizes the Department of Housing and Community Development to make loans from the Mobilehome Park Purchase Fund to mobilehome park residents, to resident organizations to finance conversion of the parks to resident ownership, or to qualified nonprofit housing sponsors and local public entities for the conversion of parks to ownership by those nonprofit sponsors or local public entities. The Mobilehome Park Purchase Fund is continuously appropriated to the department for the purpose of providing these loans and for related administrative costs.

This bill would revise the definition of “qualified nonprofit housing sponsor” to include a limited partnership where all of the general partners are nonprofit mutual or public benefit corporations.

This bill would make an appropriation by authorizing the expenditure of money in the Mobilehome Park Purchase Fund for loans to an additional category of housing sponsors.

~~(3)~~

(5) Existing law requires the department to release individual spaces in a mobilehome park from a regulatory agreement made in connection with those loans from the Mobilehome Park Purchase Fund only if they are purchased by low-income residents who occupy them.



This bill would delete the requirement that the occupants be low-income residents.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. — Section 18214 of the Health and Safety Code is~~

SECTION 1. Section 17021.7 of the Health and Safety Code is amended to read:

17021.7. Notwithstanding subdivision (b) of Section 18214, subdivision (b) of Section ~~18215~~ 18862.39, and subdivision (b) of Section ~~18217~~ 18862.47, mobilehomes and recreational vehicles used to house agricultural employees shall be maintained in conformity with the applicable requirements of the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200)).

SEC. 2. Section 17951 of the Health and Safety Code is amended to read:

17951. (a) The governing body of any county or city, including a charter city, may prescribe fees for permits, certificates, or other forms or documents required or authorized by this part or rules and regulations adopted pursuant to this part.

(b) The governing body of any county or city, including a charter city, or fire protection district, may prescribe fees to defray the costs of enforcement required by this part to be carried out by local enforcement agencies.

(c) The amount of the fees prescribed pursuant to subdivisions (a) and (b) shall not exceed the amount reasonably required to administer or process these permits, certificates, or other forms or documents, or to defray the costs of enforcement required by this part to be carried out by local enforcement agencies, and shall not be levied for general revenue purposes. The fees shall be imposed pursuant to Section 66016 of the Government Code.

(d) (1) The provisions of this part are not intended to prevent the use of any manufactured home, mobilehome, *multiunit manufactured home*, material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by the California Building Standards Code or this part, provided that this alternate has been approved by the building department.

(2) The building department of any city or county may approve an alternate *material, appliance, installation, device, arrangement, method, or work on a case-by-case basis* if it finds that the proposed design is satisfactory and that ~~the~~ *each such* material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the California Building Standards Code or this part in performance, safety, and for the protection of life and health.

(3) The building department of any city or county shall require evidence that any material, appliance, installation, device, arrangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, building standards published in the California Building Standards Code, or the other rules and regulations promulgated pursuant to this part and in order to substantiate claims for alternates, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or the owner's agent by an approved testing agency selected by the owner or the owner's agent.

SEC. 3. Section 18013.4 of the Health and Safety Code is amended to read:

18013.4. "Truck camper" means a slide-in camper as defined in ~~Section 799.24 of the Civil Code~~ *Section 18012.4*.

SEC. 4. Section 18045.5 of the Health and Safety Code is amended to read:

18045.5. (a) The department shall not issue a manufacturer, distributor, or dealer license to any applicant therefor who does not have an established place of business.

(b) In the case of a dealer or distributor, the established place of business shall have an office located within the State of California. In the case of a manufacturer, the established place of business shall have a manufacturing area defined by department regulations situated on the same property. When a room or rooms in a hotel, roominghouse, apartment house building, or a part of any single-unit or multiple-unit dwelling house is used as an office or offices of an established place of business, the room or rooms shall be devoted exclusively to, and occupied for, the office or offices of the licensee, shall be located on the ground floor, and

1 shall provide a direct entrance into the room or rooms from the
2 exterior of the building.

3 (c) The established place of business shall be open for
4 inspection of the premises, pertinent records, and manufactured
5 homes, mobilehomes, or commercial coaches by any department
6 representative during business hours. *If records are kept at a*
7 *location other than the principal dealer business location, that*
8 *other location shall be open for inspection of the premises and*
9 *pertinent records during normal business hours.*

10 SEC. 5. Section 18214 of the Health and Safety Code, as
11 amended by Section 6 of Chapter 434 of the Statutes of 2001, is
12 amended to read:

13 18214. (a) “Mobilehome park” is any area or tract of land
14 where two or more lots are rented or leased, held out for rent or
15 lease, or were formerly held out for rent or lease and later
16 converted to a subdivision, cooperative, condominium, or other
17 form of resident ownership, to accommodate manufactured
18 homes, mobilehomes, or recreational vehicles used for human
19 habitation. The rental paid for a manufactured home, a
20 mobilehome, or a recreational vehicle shall be deemed to include
21 rental for the lot it occupies. This subdivision shall not be
22 construed to authorize the rental of a mobilehome park space for
23 the accommodation of a recreational vehicle in violation of
24 Section 798.22 of the Civil Code.

25 (b) Notwithstanding subdivision (a), an area or tract of land
26 zoned for agricultural purposes where two or more lots are rented
27 or leased, held out for rent or lease, or provided as a term or
28 condition of employment, to accommodate 12 or fewer
29 manufactured homes, mobilehomes, or recreational vehicles used
30 for the purpose of housing agricultural employees shall not be
31 deemed a mobilehome park *for the purposes of the requirement to*
32 *obtain an initial or annual permit to operate or pay any related fees*
33 *required by this part.*

34 (c) Notwithstanding subdivision (a), an area or tract of land
35 shall not be deemed a mobilehome park if the structures on it
36 consist of residential structures that are rented or leased, or held out
37 for rent or lease, if those residential structures meet both of the
38 following requirements:

39 (1) The residential structures are manufactured homes
40 constructed pursuant to the National Manufactured Housing

1 Construction and Safety Act of 1974 (42 U.S.C. ~~Secs.~~ *Sec.* 5401
2 et seq.) or mobilehomes containing two or more dwelling units for
3 human habitation.

4 (2) Those manufactured homes or mobilehomes have been
5 approved by a city, county, or city and county pursuant to
6 subdivision (d) of Section 17951 as an alternate which is at least
7 the equivalent to the requirements prescribed in the California
8 Building Standards Code or Part 1.5 (commencing with Section
9 17910) in performance, safety, and for the protection of life and
10 health.

11 ~~SEC. 2.~~

12 *SEC. 6. Section 18300 of the Health and Safety Code, as*
13 *amended by Section 4 of Chapter 413 of the Statutes of 1993, is*
14 *amended to read:*

15 18300. (a) This part applies to all parts of the state and
16 supersedes any ordinance enacted by any city, county, or city and
17 county, whether general law or chartered, applicable to this part.
18 Except as provided in Section 18930, the department may adopt
19 regulations to interpret and make specific this part and, when
20 adopted, the regulations shall apply to all parts of the state.

21 (b) Upon 30 days' written notice from the governing body to
22 the department, any city, county, or city and county may assume
23 the responsibility for the enforcement of this part and the
24 regulations adopted pursuant to this part following approval by the
25 department for the assumption.

26 (c) The department shall adopt regulations ~~which~~ *that* set forth
27 the conditions for assumption and may include required
28 qualifications of local enforcement agencies. The conditions set
29 forth and the qualifications required in the regulations ~~which set~~
30 ~~forth the conditions for assumption~~ shall relate solely to the ability
31 of local agencies to enforce properly this part and the regulations
32 adopted pursuant to this part. The regulations ~~which set forth the~~
33 ~~conditions for assumption~~ shall not set *forth* requirements for local
34 agencies different than those ~~which~~ *that* the state maintains for its
35 own enforcement program. When assumption is approved, the
36 department shall transfer the responsibility for enforcement to the
37 city, county, or city and county, together with all records of parks
38 within the jurisdiction of the city, county, or city and county.

39 (d) (1) In the event of nonenforcement of this part or the
40 regulations adopted pursuant to this part by a city, county, or city

1 and county, the department shall enforce this part and the
2 regulations adopted pursuant to this part in the city, county, or city
3 and county, after the department has given written notice to the
4 governing body of the city, county, or city and county, setting forth
5 in what respects the city, county, or city and county has failed to
6 discharge its responsibility, and the city, county, or city and county
7 has failed to initiate corrective measures to carry out its
8 responsibility within 30 days of the notice.

9 (2) Where the department determines that the local
10 enforcement agency is not properly enforcing this part, the local
11 enforcement agency ~~shall have the right to~~ *may* appeal the decision
12 to the director of the department.

13 (e) Any city, city and county, or county, upon written notice
14 from the governing body to the department, may cancel its
15 assumption of responsibility for the enforcement of this part. The
16 department, upon receipt of the notice, shall assume responsibility
17 within 30 days.

18 (f) Every city, county, or city and county, within its jurisdiction,
19 shall enforce this part and the regulations adopted pursuant to this
20 part, as they relate to manufactured homes, mobilehomes, or
21 recreational vehicles and to accessory buildings or structures
22 located in both of the following areas:

23 (1) Inside of parks while the city, county, or city and county has
24 assumed responsibility for enforcement of this part.

25 (2) Outside of parks.

26 (g) This part shall not prevent local authorities of any city,
27 county, or city and county, within the reasonable exercise of their
28 police powers, from doing any of the following:

29 (1) From establishing, subject to the requirements of Sections
30 65852.3 and 65852.7 of the Government Code, certain zones for
31 manufactured homes, mobilehomes, mobilehome parks, and
32 special occupancy parks within the city, county, or city and county,
33 or establishing types of uses and locations, including family
34 mobilehome parks, senior mobilehome parks, mobilehome
35 condominiums, mobilehome subdivisions, or mobilehome
36 planned unit developments within the city, county, or city and
37 county, as defined in the zoning ordinance, or from adopting rules
38 and regulations by ordinance or resolution prescribing park
39 perimeter walls or enclosures on public street frontage, signs,

1 access, and vehicle parking or from prescribing the prohibition of
2 certain uses for mobilehome parks or special occupancy parks.

3 (2) From regulating the construction and use of equipment and
4 facilities located outside of a manufactured home, mobilehome, or
5 recreational vehicle used to supply gas, water, or electricity
6 thereto, except facilities owned, operated, and maintained by a
7 public utility, or to dispose of sewage or other waste therefrom
8 when the facilities are located outside a park for which a permit is
9 required by this part or the regulations adopted pursuant thereto.

10 (3) From requiring a permit to use a manufactured home,
11 mobilehome, or recreational vehicle outside a park for which a
12 permit is required by this part or by regulations adopted pursuant
13 thereto, and require a fee therefor by local ordinance
14 commensurate with the cost of enforcing this part and local
15 ordinance with reference to the use of manufactured homes,
16 mobilehomes, and recreational vehicles, which permit may be
17 refused or revoked if the use violates this part or Part 2
18 (commencing with Section 18000), any regulations adopted
19 pursuant thereto, or any local ordinance applicable to that use.

20 (4) From requiring a local building permit to construct an
21 accessory structure for a manufactured home or mobilehome when
22 the manufactured home or mobilehome is located outside a
23 mobilehome park, recreational vehicle park, or temporary
24 recreational vehicle park, under circumstances which the
25 provisions of this part or Part 2 (commencing with Section 18000)
26 and the regulations adopted pursuant thereto do not require the
27 issuance of a permit therefor by the department.

28 (5) From authorizing the creation, movement, shifting, or
29 alteration of mobilehome park lot lines as specified in Section
30 18610.5.

31 (6) From prescribing and enforcing set-back and separation
32 requirements governing the installation of a manufactured home,
33 mobilehome, or mobilehome accessory structure or building
34 installed outside of a mobilehome park or special occupancy park.

35 (h) (1) A city, including a charter city, county, or city and
36 county, shall not require the average density in a new park to be less
37 than that permitted by the applicable zoning ordinance, plus any
38 density bonus, as defined in Section 65915 of the Government
39 Code, for other affordable housing forms.

(2) A city, including a charter city, county, or city and county, shall not require a new park to include a clubhouse. Recreational facilities, recreational areas, accessory structures, or improvements may be required only to the extent that the facilities or improvements are required in other types of residential developments containing a like number of residential dwelling units.

(3) A city, including a charter city, county, or city and county, shall not require the set-back and separation requirements authorized by paragraph (6) of subdivision (g) to be greater than those permitted by applicable ordinances for other housing forms.

~~(i) The department may, at the department's sole option, enforce plan review activities associated with this part and the rules and regulations adopted thereunder through department-approved plan checking agencies. The department shall adopt regulations for approving and monitoring plan checking agencies, including, but not limited to, all of the following criteria:~~

~~(1) Freedom of any conflict of interest.~~

~~(2) Qualifications of personnel.~~

~~(3) A prohibition against collusive or fraudulent actions related to the performance of activities required by this part.~~

~~(4) Establishment of a schedule of fees to offset the department's cost of administering the approval and monitoring activities.~~

~~(5) Establishment of procedures for reimbursement to plan checking agencies for plan review services rendered.~~

~~(6) Establishment of a schedule of citations and administrative fines issued by the department upon finding a violation of this subdivision on the part of a plan checking agency.~~

~~(7) Any other conditions of operation the department may reasonably require.~~

~~(j) (1) The department may, by regulation, provide for the qualification of plan checking agencies to perform reviews of plans and specifications for the construction of mobilehome parks and to perform reviews of plans and specifications for the construction of additional buildings or lots, the alteration of buildings, lots, or other installations, in an existing mobilehome park, in areas in which the department is the enforcement agency. The regulations shall specify that all approved plan checking~~

1 ~~agencies shall employ at least one architect or engineer, licensed~~
2 ~~by the State of California, and that the architect or engineer shall~~
3 ~~be responsible for all plan review activity specified in this part.~~
4 ~~Plans approved by department approved agencies shall be deemed~~
5 ~~the equivalent of department approval of those plans.~~

6 ~~(2) No agency approved to serve as a plan checking agency~~
7 ~~pursuant to this subdivision shall have a financial interest in any~~
8 ~~mobilehome park, with any owner, developer, or contractor of a~~
9 ~~mobilehome park, or in any entity used by the department for the~~
10 ~~purpose of performing oversight of the performance of plan~~
11 ~~checking agencies.~~

12 *SEC. 7. Section 18300 of the Health and Safety Code, as*
13 *amended by Section 17 of Chapter 434 of the Statutes of 2001, is*
14 *amended to read:*

15 18300. (a) This part applies to all parts of the state and
16 supersedes any ordinance enacted by any city, county, or city and
17 county, whether general law or chartered, applicable to this part.
18 Except as provided in Section 18930, the department may adopt
19 regulations to interpret and make specific this part and, when
20 adopted, the regulations shall apply to all parts of the state.

21 (b) Upon 30 days' written notice from the governing body to
22 the department, any city, county, or city and county may assume
23 the responsibility for the enforcement of both this part and Part 2.3
24 (commencing with Section 18860) and the regulations adopted
25 pursuant to this part and Part 2.3 (commencing with Section
26 18860) following approval by the department for the assumption.

27 (c) The department shall adopt regulations that set forth the
28 conditions for assumption and may include required qualifications
29 of local enforcement agencies. The conditions set forth and the
30 qualifications required in the regulations ~~that set forth the~~
31 ~~conditions for assumption~~ shall relate solely to the ability of local
32 agencies to enforce properly this part and the regulations adopted
33 pursuant to this part. The regulations ~~that set forth the conditions~~
34 ~~for assumption~~ shall not set forth requirements for local agencies
35 different than those that the state maintains for its own
36 enforcement program. When assumption is approved, the
37 department shall transfer the responsibility for enforcement to the
38 city, county, or city and county, together with all records of parks
39 within the jurisdiction of the city, county, or city and county.

1 (d) (1) In the event of nonenforcement of this part or the
2 regulations adopted pursuant to this part by a city, county, or city
3 and county, the department shall enforce both this part and Part 2.3
4 (commencing with Section 18860) and the regulations adopted
5 pursuant to this part and Part 2.3 (commencing with Section
6 18860) in the city, county, or city and county, after the department
7 has given written notice to the governing body of the city, county,
8 or city and county, setting forth in what respects the city, county,
9 or city and county has failed to discharge its responsibility, and the
10 city, county, or city and county has failed to initiate corrective
11 measures to carry out its responsibility within 30 days of the
12 notice.

13 (2) Where the department determines that the local
14 enforcement agency is not properly enforcing this part or Part 2.3
15 (commencing with Section 18860), the local enforcement agency
16 may appeal the decision to the director of the department.

17 (e) Any city, city and county, or county, upon written notice
18 from the governing body to the department, may cancel its
19 assumption of responsibility for the enforcement of both this part
20 and Part 2.3 (commencing with Section 18860). The department,
21 upon receipt of the notice, shall assume responsibility within 30
22 days.

23 (f) Every city, county, or city and county, within its jurisdiction,
24 shall enforce this part and the regulations adopted pursuant to this
25 part, as they relate to manufactured homes, mobilehomes, or
26 recreational vehicles, and to accessory buildings or structures
27 located in both of the following areas:

28 (1) Inside of parks while the city, county, or city and county has
29 assumed responsibility for enforcement of both this part and Part
30 2.3 (commencing with Section 18860).

31 (2) Outside of parks.

32 (g) This part shall not prevent local authorities of any city,
33 county, or city and county, within the reasonable exercise of their
34 police powers, from doing any of the following:

35 (1) From establishing, subject to the requirements of Sections
36 65852.3 and 65852.7 of the Government Code, certain zones for
37 manufactured homes, mobilehomes, and mobilehome parks
38 within the city, county, or city and county, or establishing types of
39 uses and locations, including family mobilehome parks, senior
40 mobilehome parks, mobilehome condominiums, mobilehome



1 subdivisions, or mobilehome planned unit developments within
2 the city, county, or city and county, as defined in the zoning
3 ordinance, or from adopting rules and regulations by ordinance or
4 resolution prescribing park perimeter walls or enclosures on
5 public street frontage, signs, access, and vehicle parking or from
6 prescribing the prohibition of certain uses for mobilehome parks.

7 (2) From regulating the construction and use of equipment and
8 facilities located outside of a manufactured home or mobilehome
9 used to supply gas, water, or electricity thereto, except facilities
10 owned, operated, and maintained by a public utility, or to dispose
11 of sewage or other waste therefrom when the facilities are located
12 outside a park for which a permit is required by this part or the
13 regulations adopted pursuant thereto.

14 (3) From requiring a permit to use a manufactured home or
15 mobilehome outside a park for which a permit is required by this
16 part or by regulations adopted pursuant thereto, and require a fee
17 therefor by local ordinance commensurate with the cost of
18 enforcing this part and local ordinance with reference to the use of
19 manufactured homes and mobilehomes, which permit may be
20 refused or revoked if the use violates this part or Part 2
21 (commencing with Section 18000), any regulations adopted
22 pursuant thereto, or any local ordinance applicable to that use.

23 (4) From requiring a local building permit to construct an
24 accessory structure for a manufactured home or mobilehome when
25 the manufactured home or mobilehome is located outside a
26 mobilehome park, under circumstances when this part or Part 2
27 (commencing with Section 18000) and the regulations adopted
28 pursuant thereto do not require the issuance of a permit therefor by
29 the department.

30 (5) From authorizing the creation, movement, shifting, or
31 alteration of mobilehome park lot lines as specified in Section
32 18610.5.

33 (6) From prescribing and enforcing setback and separation
34 requirements governing the installation of a manufactured home,
35 mobilehome, or mobilehome accessory structure or building
36 installed outside of a mobilehome park.

37 (h) (1) A city, including a charter city, county, or city and
38 county, shall not require the average density in a new park to be less
39 than that permitted by the applicable zoning ordinance, plus any



1 density bonus, as defined in Section 65915 of the Government
2 Code, for other affordable housing forms.

3 (2) A city, including a charter city, county, or city and county,
4 shall not require a new park to include a clubhouse. Recreational
5 facilities, recreational areas, accessory structures, or
6 improvements may be required only to the extent that the facilities
7 or improvements are required in other types of residential
8 developments containing a like number of residential dwelling
9 units.

10 (3) A city, including a charter city, county, or city and county,
11 shall not require the setback and separation requirements
12 authorized by paragraph (6) of subdivision (g) to be greater than
13 those permitted by applicable ordinances for other housing forms.

14 ~~(i) The department may, at the department's sole option,~~
15 ~~enforce plan review activities associated with this part and the~~
16 ~~rules and regulations adopted thereunder through~~
17 ~~department-approved plan checking agencies. The department~~
18 ~~shall adopt regulations for approving and monitoring plan~~
19 ~~checking agencies, including, but not limited to, all of the~~
20 ~~following criteria:~~

21 ~~(1) Freedom of any conflict of interest.~~

22 ~~(2) Qualifications of personnel.~~

23 ~~(3) A prohibition against collusive or fraudulent actions related~~
24 ~~to the performance of activities required by this part.~~

25 ~~(4) Establishment of a schedule of fees to offset the~~
26 ~~department's cost of administering the approval and monitoring~~
27 ~~activities.~~

28 ~~(5) Establishment of procedures for reimbursement to plan~~
29 ~~checking agencies for plan review services rendered.~~

30 ~~(6) Establishment of a schedule of citations and administrative~~
31 ~~finest issued by the department upon finding a violation of this~~
32 ~~subdivision on the part of a plan checking agency.~~

33 ~~(7) Any other conditions of operation the department may~~
34 ~~reasonably require.~~

35 ~~(j) (1) The department may, by regulation, provide for the~~
36 ~~qualification of plan checking agencies to perform reviews of~~
37 ~~plans and specifications for the construction of mobilehome parks~~
38 ~~and to perform reviews of plans and specifications for the~~
39 ~~construction of additional buildings or lots, the alteration of~~
40 ~~buildings, lots, or other installations, in an existing mobilehome~~

1 park, in areas in which the department is the enforcement agency.
2 The regulations shall specify that all approved plan checking
3 agencies shall employ at least one architect or engineer, licensed
4 by the state, and that the architect or engineer shall be responsible
5 for all plan review activity specified in this part. Plans approved
6 by department-approved agencies shall be deemed the equivalent
7 of department approval of those plans.

8 (2) No agency approved to serve as a plan checking agency
9 pursuant to this subdivision shall have a financial interest in any
10 mobilehome park, with any owner, developer, or contractor of a
11 mobilehome park, or in any entity used by the department for the
12 purpose of performing oversight of the performance of plan
13 checking agencies.

14 SEC. 8. Section 18862.39 of the Health and Safety Code is
15 amended to read:

16 18862.39. (a) "Recreational vehicle park" is any area or
17 tract of land, or a separate designated section within a mobilehome
18 park where two or more lots are rented ~~or~~, leased, or held out for
19 rent or lease ~~to~~, or were formerly held out for rent or lease and later
20 converted to a subdivision, cooperative, condominium, or other
21 form of resident ownership, to accommodate owners or users of
22 recreational vehicles, camping cabins, or tents.

23 (b) Notwithstanding subdivision (a), an area or tract of land
24 zoned for agricultural purposes where two or more lots are rented
25 ~~or~~, leased, or held out for rent or lease, to accommodate owners
26 or users of 12 or fewer recreational vehicles ~~or tents~~ for the purpose
27 of housing 12 or fewer agricultural employees, shall not be
28 deemed a recreational vehicle park for the purposes of the
29 requirement to obtain an initial or annual permit to operate or pay
30 any fees related thereto required by this part.

31 SEC. 9. Section 18862.47 of the Health and Safety Code is
32 amended to read:

33 18862.47. (a) "Temporary recreational vehicle park" is any
34 area or tract of land where two or more lots are rented ~~or~~, leased,
35 or held out for rent or lease to owners or users of recreational
36 vehicles and ~~which~~ that is established for one operation not to
37 exceed 11 consecutive days, and is then removed.

38 (b) Notwithstanding subdivision (a), an area or tract of land
39 zoned for agricultural purposes where two or more lots are rented
40 ~~or~~, leased, or held out for rent or lease, to accommodate owners

1 or users of *12 or fewer* recreational vehicles for the purpose of
2 housing ~~12 or fewer~~ agricultural employees; shall not be deemed
3 a temporary recreational vehicle park *for the purposes of the*
4 *requirement to obtain an initial or annual permit to operate or pay*
5 *any fees related thereto required by this part.*

6 *SEC. 10. Section 18865 of the Health and Safety Code is*
7 *amended to read:*

8 18865. (a) This part applies to all parts of the state and
9 supersedes any ordinance enacted by any city, county, or city and
10 county, whether general law or chartered, applicable to this part.
11 Except as provided in Section 18930, the department may adopt
12 regulations to interpret and make specific this part and, when
13 adopted, the regulations shall apply to all parts of the state.

14 (b) Upon 30 days' written notice from the governing body to
15 the department, any city, county, or city and county may assume
16 the responsibility for the enforcement of both this part and Part 2.1
17 (commencing with Section 18200) and the regulations adopted
18 pursuant to this part following approval by the department for the
19 assumption.

20 (c) The department shall adopt regulations that set forth the
21 conditions for assumption and may include required qualifications
22 of local enforcement agencies. The conditions set forth and the
23 qualifications required in the regulations shall relate solely to the
24 ability of local agencies to enforce properly this part and the
25 regulations adopted pursuant to this part. The regulations shall not
26 set forth requirements for local agencies different than those that
27 the state maintains for its own enforcement program. When
28 assumption is approved, the department shall transfer the
29 responsibility for enforcement to the city, county, or city and
30 county, together with all records of special occupancy parks within
31 the jurisdiction of the city, county, or city and county.

32 (d) (1) In the event of nonenforcement of this part or the
33 regulations adopted pursuant to this part by a city, county, or city
34 and county, the department shall enforce both this part and Part 2.1
35 (commencing with Section 18200) and the regulations adopted
36 pursuant to this part and Part 2.1 in the city, county, or city and
37 county, after the department has given written notice to the
38 governing body of the city, county, or city and county; setting forth
39 in what respects the city, county, or city and county has failed to
40 discharge its responsibility, and the city, county, or city and county

1 has failed to initiate corrective measures to carry out its
2 responsibility within 30 days of the notice.

3 (2) Where the department determines that the local
4 enforcement agency is not properly enforcing this part, the local
5 enforcement agency may appeal the decision to the director of the
6 department.

7 (e) Any city, city and county, or county, upon written notice
8 from the governing body to the department, may cancel its
9 assumption of responsibility for the enforcement of both this part
10 and Part 2.1 (commencing with Section 18200). The department,
11 upon receipt of the notice, shall assume responsibility within 30
12 days.

13 (f) Every city, county, or city and county *shall*, within its
14 jurisdiction, ~~shall~~ enforce this part and the regulations adopted
15 pursuant to this part, as they relate to recreational vehicles and to
16 accessory buildings or structures located in both of the following
17 areas: (1) inside of parks where the city, county, or city and county
18 has assumed responsibility for enforcement of both this part and
19 Part 2.1 (commencing with Section 18200), and (2) outside of
20 parks.

21 (g) This part shall not prevent local authorities of any city,
22 county, or city and county, within the reasonable exercise of their
23 police powers, from doing any of the following:

24 (1) Establishing, subject to the requirements of Sections
25 65852.3 and 65852.7 of the Government Code, certain zones for
26 special occupancy parks within the city, county, or city and county,
27 as defined in the zoning ordinance, or from adopting rules and
28 regulations by ordinance or resolution prescribing park perimeter
29 walls or enclosures on public street frontage, signs, access, and
30 vehicle parking or from prescribing the prohibition of certain uses
31 for special occupancy parks.

32 (2) Regulating the construction and use of equipment and
33 facilities located outside of a recreational vehicle used to supply
34 gas, water, or electricity thereto, except facilities owned, operated,
35 and maintained by a public utility, or to dispose of sewage or other
36 waste therefrom when the facilities are located outside a park for
37 which a permit is required by this part or the regulations adopted
38 pursuant thereto.

39 (3) Requiring a permit to use a recreational vehicle outside a
40 park for which a permit is required by this part or by regulations



1 adopted pursuant thereto, and require a fee therefor by local
2 ordinance commensurate with the cost of enforcing this part and
3 local ordinance with reference to the use of recreational vehicles,
4 which permit may be refused or revoked if the use violates this part
5 or Part 2 (commencing with Section 18000), any regulations
6 adopted pursuant thereto, or any local ordinance applicable to that
7 use or Part 2.1 (commencing with Section 18200).

8 (4) Authorizing the creation, movement, shifting, or alteration
9 of park lot lines as specified in Section 18872.1.

10 (h) A city, including a charter city, county, or city and county,
11 shall not require a new park to include a clubhouse. Recreational
12 facilities, recreational areas, accessory structures, or
13 improvements may be required only to the extent that the facilities
14 or improvements are required in other types of similar recreational
15 facilities, if any, in the city, county, or city and county.

16 ~~(i) The department may, at the department's sole option,~~
17 ~~enforce plan review activities associated with this part and the~~
18 ~~rules and regulations adopted thereunder through~~
19 ~~department approved plan checking agencies. The department~~
20 ~~shall adopt regulations for approving and monitoring plan~~
21 ~~checking agencies, including, but not limited to, all of the~~
22 ~~following criteria:~~

23 ~~(1) Freedom of any conflict of interest.~~

24 ~~(2) Qualifications of personnel.~~

25 ~~(3) A prohibition against collusive or fraudulent actions related~~
26 ~~to the performance of activities required by this part.~~

27 ~~(4) Establishment of a schedule of fees to offset the~~
28 ~~department's cost of administering the approval and monitoring~~
29 ~~activities.~~

30 ~~(5) Establishment of procedures for reimbursement to plan~~
31 ~~checking agencies for plan review services rendered.~~

32 ~~(6) Establishment of a schedule of citations and administrative~~
33 ~~finest issued by the department upon finding a violation of this~~
34 ~~subdivision on the part of a plan checking agency.~~

35 ~~(7) Any other conditions of operation the department may~~
36 ~~reasonably require.~~

37 ~~(j) (1) The department may, by regulation, provide for the~~
38 ~~qualification of plan checking agencies to perform reviews of~~
39 ~~plans and specifications for the construction of special occupancy~~
40 ~~parks and to perform reviews of plans and specifications for the~~

1 ~~construction of additional buildings or lots, the alteration of~~
2 ~~buildings, lots, or other installations, in an existing special~~
3 ~~occupancy park, in areas in which the department is the~~
4 ~~enforcement agency. The regulations shall specify that all~~
5 ~~approved plan checking agencies shall employ at least one~~
6 ~~architect or engineer, licensed by the state, and that the architect~~
7 ~~or engineer shall be responsible for all plan review activity~~
8 ~~specified in this part. Plans approved by department-approved~~
9 ~~agencies shall be deemed the equivalent of department approval of~~
10 ~~those plans.~~

11 ~~(2) No agency approved to serve as a plan checking agency~~
12 ~~pursuant to this subdivision shall have a financial interest in any~~
13 ~~special occupancy park, with any owner, developer, or contractor~~
14 ~~of a special occupancy park, or in any entity used by the~~
15 ~~department for the purpose of performing oversight of the~~
16 ~~performance of plan checking agencies.~~

17 *SEC. 11. Section 19971 of the Health and Safety Code is*
18 *amended to read:*

19 19971. “Factory-built housing” means a residential building,
20 dwelling unit, or an individual dwelling room or combination of
21 rooms thereof, or building component, assembly, or system
22 manufactured in such a manner that all concealed parts or
23 processes of manufacture cannot be inspected before installation
24 at the building site without disassembly, damage, or destruction of
25 the part, including units designed for use as part of an institution
26 for resident or patient care, ~~which~~ *that* is either wholly
27 manufactured or is in substantial part manufactured at an offsite
28 location to be wholly or partially assembled onsite in accordance
29 with building standards published in the ~~State~~ *California* Building
30 Standards Code and other regulations adopted by the commission
31 pursuant to Section 19990. Factory-built housing does not include
32 a mobilehome, as defined in Section 18008, ~~mobile accessory~~
33 ~~building or structure, as defined in Section 18010,~~ a recreational
34 vehicle, as defined in Section 18010.5, or a commercial ~~each~~
35 ~~modular~~, as defined in Section ~~18012~~ *18012.5*.

36 *SEC. 12. Section 50781 of the Health and Safety Code is*
37 *amended to read:*

38 50781. Unless the context otherwise requires, the following
39 definitions given in this section shall control construction of this
40 chapter:

1 (a) “Affordable” means that, where feasible, low-income
2 residents should not pay more than 30 percent of their monthly
3 income for housing costs.

4 (b) “Conversion costs” includes the cost of acquiring the
5 mobilehome park, the costs of planning and processing the
6 conversion, the costs of any needed repairs or rehabilitation, and
7 any expenditures required by a governmental agency or lender for
8 the project.

9 (c) “Department” means the Department of Housing and
10 Community Development.

11 (d) “Fund” means the Mobilehome Park Purchase Fund
12 created pursuant to Section 50782.

13 (e) “Housing costs” means the total cost of owning,
14 occupying, and maintaining a mobilehome and a lot or space in a
15 mobilehome park. The department’s regulations shall specify the
16 factors included in these costs and may, for the purposes of
17 calculating affordability, establish reasonable allowances.

18 (f) “Individual interest in a mobilehome park” means any
19 interest that is fee ownership or a lesser interest that entitles the
20 holder to occupy a lot or space in a mobilehome park for a period
21 of not less than either 15 years or the life of the holder. Individual
22 interests in a mobilehome park include, but are not limited to, the
23 following:

24 (1) Ownership of a lot or space in a mobilehome park or
25 subdivision.

26 (2) A membership or shares in a stock cooperative, as defined
27 in Section 11003.2 of the Business and Professions Code, or a
28 limited equity housing cooperative, as defined in Section 33007.5
29 of this code.

30 (3) Membership in a nonprofit mutual benefit corporation that
31 owns, operates, or owns and operates the mobilehome park.

32 (g) “Low-income resident” means an individual or household
33 that is a lower income household, as defined in Section 50079.5.
34 However, personal assets shall not be considered in the calculation
35 of income, except to the extent that they actually generate income.

36 (h) “Low-income spaces” means those spaces in a
37 mobilehome park operated by a resident organization, a qualified
38 nonprofit housing sponsor, or a local public entity that are
39 occupied by low-income residents.

(i) “Mobilehome park” means a mobilehome park, as defined in Section 18214, or a manufactured home subdivision created by the conversion of a mobilehome park, as defined in Section 18214, including a senior park, to resident ownership or ownership by a qualified nonprofit housing sponsor or local public entity.

(j) “Program” means the Mobilehome Park Resident Ownership Program.

(k) “Qualified nonprofit housing sponsor” means a nonprofit public benefit corporation, as defined in Part 2 (commencing with Section 5110) of Division 2 of the Corporations Code, or a limited partnership where all of the general partners are nonprofit mutual or public benefit corporations, that (1) has received its tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, (2) is not affiliated with or controlled by a for-profit organization or individual, (3) has extensive experience with the development and operation of publicly subsidized affordable housing, (4) the department determines is qualified by experience and capability to own and operate a mobilehome park that provides housing affordable to low-income households, and (5) has formal arrangements for ensuring resident participation or input in the management of the park that may include, but not be limited to, membership on the board of directors.

(l) “Resident organization” means a group of mobilehome park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobilehome park in which they reside and converting the mobilehome park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobilehome park, or in each park of a combination of parks where the residents of two or more parks combine to form a single resident organization. The two-thirds of households in the resident organization at the time of funding the park need not be the same households that were residing in the park when the application for assistance was submitted to the department. A household’s membership in the resident organization when the application was submitted to the department shall not be a requirement for that household to receive a loan or assistance under this chapter.

(m) “Resident ownership” means, depending on the context, either the ownership by a resident organization of an interest in a

mobilehome park that entitles the resident organization to control the operations of the mobilehome park for a term of no less than 15 years, or the ownership of individual interests in a mobilehome park, or both.

~~SEC. 3.—~~

SEC. 13. Section 50786 of the Health and Safety Code is amended to read:

50786. (a) The department shall adopt regulations for the administration and implementation of this chapter.

(b) The department shall obtain the best available security for loans made pursuant to this chapter. The security may include a note, deed of trust, assignment of lease, or other form of security on real or personal property which the department determines is adequate to protect the interests of the state. To the extent applicable, these documents and any regulatory provisions shall be recorded or referenced in a recorded document in the office of the county recorder of the county in which the mobilehome park is located.

(c) The degree of continuing regulatory control with respect to park operations and resident loans exercised by the department in making loans pursuant to this chapter shall be commensurate with the level of financial assistance provided and in all cases shall be adequate to protect the state's security interest and ensure the accomplishment of the purposes of the program authorized by this chapter. The regulatory requirements shall be set forth in a regulatory agreement, deed of trust, or other lien, and any violation of these requirements shall be considered a violation of a security document. Where loans are made to a qualifying nonprofit housing sponsor or local public entity, a regulatory agreement shall be recorded against the mobilehome park. This regulatory agreement shall contain provisions limiting occupancy, rents, and park operation for the original loan term. The department may release individual spaces from the regulatory agreement only if they are purchased by residents who occupy them.

(d) Before providing financing pursuant to this chapter, the department shall require provision of, and approve, at least all of the following:

(1) Verification at the time of application and prior to funding that at least two-thirds of the households residing in the

1 mobilehome park support the plans for acquisition and conversion
2 of the park.

3 (2) Verification that either no park residents shall be
4 involuntarily displaced as a result of the park conversion or the
5 impacts of the displacement shall be mitigated as required under
6 state and local law. For purposes of this requirement, compliance
7 with Section 66427.5 of the Government Code shall be
8 conclusively presumed to have mitigated economic displacement.

9 (3) Verification that the conversion is consistent with local
10 zoning and land use requirements, other applicable state and local
11 laws, and regulations and ordinances.

12 (4) Projected costs and sources of funds for all conversion
13 activities.

14 (5) Projected operating budget for the park during and after the
15 conversion.

16 (6) A management plan for the conversion and operation of the
17 park.

18 (7) If necessary, a relocation plan for residents not participating
19 that is in compliance with Chapter 16 (commencing with Section
20 7260) of Division 7 of Title 1 of the Government Code.

21 (e) The department shall, to the greatest extent feasible, do all
22 of the following:

23 (1) Require participation by cities and counties in loan
24 applications submitted pursuant to this chapter.

25 (2) Contract with private lenders or local public entities to
26 provide program administration and to service loans made
27 pursuant to this chapter.

28 (3) Give priority to applications for resident-owned parks.

